

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

December 10, 2024
LAURA A. AUSTIN, CLERK
BY: s/J.Vasquez
DEPUTY CLERK

**ERNESTO ANTHONY NEWMAN,
Plaintiff,**

Civil Action No. 7:24-cv-00767

v.

MEMORANDUM OPINION

**UNNAMED,
Defendant(s).**

**By: Thomas T. Cullen
United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint under 42 U.S.C. § 1983. Plaintiff did not prepay the filing costs or submit the information required to proceed in forma pauperis under 28 U.S.C. § 1915(b) in this court to pay the filing fee through installments from plaintiff's trust account. By order entered November 5, 2024, the court directed plaintiff to submit, within 30 days from the date of the order, an Amended Complaint and the consent to withholding of filing fee form in order to complete the application to proceed without prepayment of the filing fee. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 30 days have elapsed, and plaintiff has failed to comply with the described conditions and has not qualified to proceed in forma pauperis under § 1915(b). Accordingly, the court will dismiss the action without prejudice and strike the case from the active docket of the court. Plaintiff may refile the claims in a separate action once he is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTERED: This 10th day of December, 2024.

A handwritten signature in black ink, appearing to read "A. Cullen". The signature is written in a cursive, flowing style with a large initial "A" and a long, sweeping underline.

United States District Judge